PETITION FOR ZONING VARIANCE of Liberty Road

NW/S Ellen Road, 154.62' SW (3518 Ellen Road) 2nd Election District 2nd Councilmanic District

Robert E. Cohen, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-81-A

The Petitioners herein request a variance to permit a rear yard setback of 0 feet in lieu of the required 30 feet; a side yard setback of 2.6 feet in lieu of the required 30 feet for a proposed building addition; to permit parking spaces to be closer than 10 feet to the right-of-way line of a public street; and to permit 9 parking spaces in lieu of the required 15 spaces; all as more particularly described in Petitioner's Exhibit 4.

The Petitioners, by Robert Cohen, appeared, testified, and were represented by C. Michael Magruder, Esquire. Also appearing on behalf of the Petition was William P. Monk, a professional Land Use Planning and Zoning Consultant. There were no Protestants.

Testimony indicated that the subject property, known as 3518 Ellen Road, is zoned B.R.-C.S.A. and is improved with an existing one story concrete block building currently leased by Bell Mechanical, Inc. for office space and storage. Petitioner proposes constructing a 1,080 sq.ft. addition to the existing structure to provide additional storage space for this expanding business.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Sec-

ZONING DESCRIPTION

Beginning at a point on the Northwest side of Ellen Road, 50

ft. wide, 154.62 ft. from the Southwest side of Liberty Road, 66 ft. wide and running the following four courses.

1. South 39 degrees, 41 minutes, 15 seconds. West,

3. North 29 degrees, 55 minutes, 50 seconds. East,

to the point of beginning. Containing 8.954 sq. ft. of land

2. North 65 degrees, 16 minutes, 09 seconds, West.

4. South 65 degrees, 16 minutes, 09 seconds, East,

81.15 ft.

98.69 ft.

more or less.

.100.00 ft.

tion 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

lic hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

Zoning Commissioner for

89-81-A

JRH:bjs

The Zering Commissioner of Baltimore County, by mathority of the Zoning Act and Regulations of Baltimore County will told a public hearing on the property contificat learning in Room 108 of the County Office Building, located at 111 W. Chesspeake Avenue in Towson, Maryland as follows:

NW/S Ellen Road, 194,822
SW Liberty Road
(3518 Ellen Road)
2nd Election District
2nd Councilments
Petitioner(s):
Robert F. Cohen, et ux
(Bell Mechanical, Inc.)
Hearing Date: Thursday,
8apt. 22, 1988
at 10:46 p.m.

Wartence to allow a near yard of zero feet in feet of 30 teet and a side yard of 2 of in feet of 30 teet; to allow parting species stoses than 10 feet to the right-of-way firm of a public street; to allow 8 feet of 15

District 2nd Variance Posted for: Variance	Date of Posting August 30-8
Petitioner: Robert I Cohen	et ur
	1 Clen Road, 154.62'SW (3518 Eden Road)
of Liberty Rosed	(3518 Eslen Pond)
Location of Signa: On front of	35/8 Ellin Road
Remarks:	
Posted by Signature	Date of return Systember 2-89

PAPERS OF MARYLAND, INC.

Md., ..Aug...31,1988 annexed Reg# M18912 P.O.#04057 successive weeks/days previous

a daily newspaper published ninster, Carroll County, Maryland a weekly newspaper published in Baltimore County, Maryland. weekly newspaper published in Baltimore County, Maryland. PAPERS OF MARYLAND, INC. of tena Leeser

Petitioner. Pursuant to the advertisement, posting of the property, and pubrequested variance should be granted.

day of Moteriel . 1988 that the Petition for Zoning Variance to permit a rear yard setback of O feet in lieu of the required 30 feet; a side yard setback of 2.6 feet in lieu of the required 30 feet for a proposed building addition; to permit parking spaces to be closer than 10 feet to the right-of-way line of a public street; and to permit 9 parking spaces in lieu of the required 15 spaces; in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject, however, to the following restrictions:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 2ml	Date of Posting August 30-88
Posted for: Variance	
Petitioner: Robert 7 Cohen	
Location of property: NW Ruse of	Cllen Road, 154.62 SW 3518 Ellen Prad)
of Liberty Rose	3518 Edlen Prad)
Location of Signer Un front of 3	518 Ellen Road
·····	
Remarks:	
Posted by Strata	Date of return September 2-88
Signature Signature	

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive weeks, the first publication appearing on 1000.25.1988.

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204



C. Michael Magruder, Esquire 22 W. Pennsylvania Avenue, Suite 204-A Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE NW/S Ellen Road, 154.62' SW of Liberty Road 2nd Election District - 2nd Councilmanic District Robert E. Cohen, et ux - Petitioners Case No. 89-81-A

Dear Mr. Magruder:

By cover letter dated September 29, 1988 you were forwarded a copy of the decision rendered in the above-captioned matter. The Petition for Variance in this case was granted by Order dated September 29, 1988; however, the cover letter inadvertently stated the request was denied. nowever, the cover rectar inadvertently stated the request was denied.
Please disregard my letter of September 29, 1988 and excuse the oversight.

If you have any questions on the subject, please do not hesitate to contact this office. Very truly yours,

& Cabert Hairas ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: Mr. William P. Monk Loyola Federal Building, Suite 204-A 22 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

Date: 9-8-88

Dennis F. Rasmussen

7220 Denberg Road Baltimore, Maryland 21209

Mr. 4 Mrs. Robert F. Cohen

Re: Petition for Zoning Variance CASE NUMBER: 89-81-A NW/S Ellen Road, 154.62 SW Liberty Road (3518 Ellen Road) 2nd Election District - 2nd Councilmanic

Petitioner(s): Robert F. Cohen, et ux (Bell Mechanical, Inc.) HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:45 a.m.

Dear Mr. & Mrs. Cohen:

Please be advised that \(\frac{103.6}{\text{is}} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office minutes before

MALTIMORE COUNTY, MARYLAND FFICE OF FINANCE · REVENUE DIVISION IISCELLANEOUS CASH RECEIPT 9/2/2/5/	r ea	ost set(s), there ich set not
AMOUNT \$ 103.		
ECEIVED Sell Mechanical ROW:	in	20
on Norting V leder 9/22/8	Maseny oner	of
VALIDATION OR SIGNATURE OF CASHIER	31-11	

October 3, 1988

Dennis F. Rasmusser

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238,2 to allow a rear yard of 0' in lieu of 30' and a side ward of 2'6" in lieu of 30' From Section 409 8 A4 to allow parking spaces closer than 10 feet to the right of way line of a public street. From Section 409.6 A2 & A3 to allow 9 parking spaces in lieu of 15 spaces required. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The relatively small site (9135 sq. ft.) and present location of the building would not allow for any expansion without encroachment into the required side and/or rear yard. The expansion of the physical plant is essential to maintaining the business at this location.

PETITION FOR ZONING VIOLANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm.

	•	under the penalties of perjury, that are the legal owner(s) of the pr	t I/we
		which is the subject of this Petition.	W 2B
(Contract Purchaser:	Legal Owner(s):	Nm ? G
•	(Type or Print Name)	Robert F. & Judy S. Cohen	E. D. 2 DATE 1/19/89
•	Signature	X Signature	200
•	Address	(Type or Print Name)	1000 <u> </u>
	City and State	X Gudy S. Coxen	N/20/60
·	Attorney for Petitioner:	ω	41,180
-	(Type or Print Name)	7220 Denberg Road 655 Address Phone N	-0030 No.
-	Signature	Baltimore, Maryland 21209 City and State	
-	Address	Name, address and phone number of legal owner tract purchaser or representative to be contact	r, con- ted
-	City and State	William P. Monk Name Loyola Federal Buildin	 9
Ĵ	attorney's Telephone No.:	Suite 204 A 22WPennsylvania Avenue	
13	ORDERED Du The Zening Commission of T	Address Towson, MD 21204 Phone N	10. 494-893
3	ORDERED By The Zoning Commissioner of E		_ day
	ut Baltimore County, that property he posted and		ougn-
To	ommissioner of Baltimore County in Room 106 ounty, on the day of	September 1988, at 1045	more clock
	ДM.		
Q^{r}	MATER AND LEGISTER OF FEBRUARY	J. Robert flac	,
<u>}</u>	AVAILABLE FOR HEADING KOM./TUBS./WED NEXT TWO HOWING (ove	Zoning Commissioner of Baltimore Co	unty.
ALL .			,
© 1 1 1 1 €	DATE 6-30-	88	
	-		

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

NOTICE OF HEARING

August 1, 1988



Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-81-A NW/5 Ellen Road, 154.62 SW Liberty Road (3518 Ellen Road) 2nd Election District - 2nd Councilmanic Petitioner(s): Robert F. Cohen, et ux (Bell Mechanical, Inc.) HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:45 a.m.

Variance to allow a rear yard of zero feet in lieu of 30 feet and a side yard of 2'6" in lieu of 30 feet; to allow parking spaces closer than 10 feet to the right-of-way line of a public street; to allow 9 parking spaces in lieu of 15 spaces

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Robert & Judy Cohen

William P. Monk File

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-81-A NW/S Ellen Road, 154.62 SW Liberty Road (3518 Ellen Road) 2nd Election District - 2nd Councilmanic Petitioner(s): Robert F. Cohen, et ux (Bell Mechanical, Inc.) HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:45 a.m.

Variance to allow a rear yard of zero feet in lieu of 30 feet and a side yard of 2'6" in lieu of 30 feet; to allow parking spaces closer than 10 feet to the right-of-way line of a public street; to allow 9 parking spaces in lieu of 15 spaces required.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

Baltimore County Fire Department Towson, Maryland 21204-2586 434-4500

July 15, 1988

Paul H. Reincke J. Robert Haines Zoning Commissioner

Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Bell Mechanical - Robert F. Cohen, et ux Location: NW/S Ellen Rd., 154.62' SW Liberty Road
3518 Ellen Avenue

Item No.: 480

Zoning Agenda: Meeting of 7/12/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

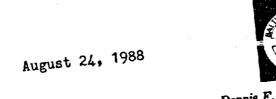
REVIEWER 11 Jold Helly 7-15-18 Approved:

Planning Group

Special Inspection Division

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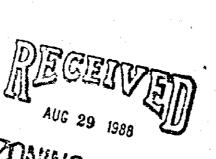
Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

SEW/RF/lab

The Bureau of Traffic Engineering has no comments for items number 480, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE September 15, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. & Mrs. Robert F. Cohen 7220 Denberg Road Baltimore, Maryland 21209

MEMBERS

Bureau of Fire Prevention

Health Department

Building Department Board of Education

Zoning Administration

Project Planning

Industrial Development

Department of Traffic Engineering

State Roads Commission

Bureau of

RE: Item No. 480 - Case No. 89-81-A Petitioner: Robert F. Cohen, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Cohen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, James E. Dyer/dt VAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt

cc: William P. Monk Loyola Federal Building Suite 204A 22 West Pennsylvania Avenue Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner's Advisory Committee

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

NAME Cohen	ADDRESS 7220 Denberg Road 21209
WILLIAM P. MONK C. MKHARL MAGRUTER	22 W. PA. AJE TOWSON, UD. 2120

BALLMORE COUNTY, MARYLIND

INTER-OFFICE CORRESPONDENCE

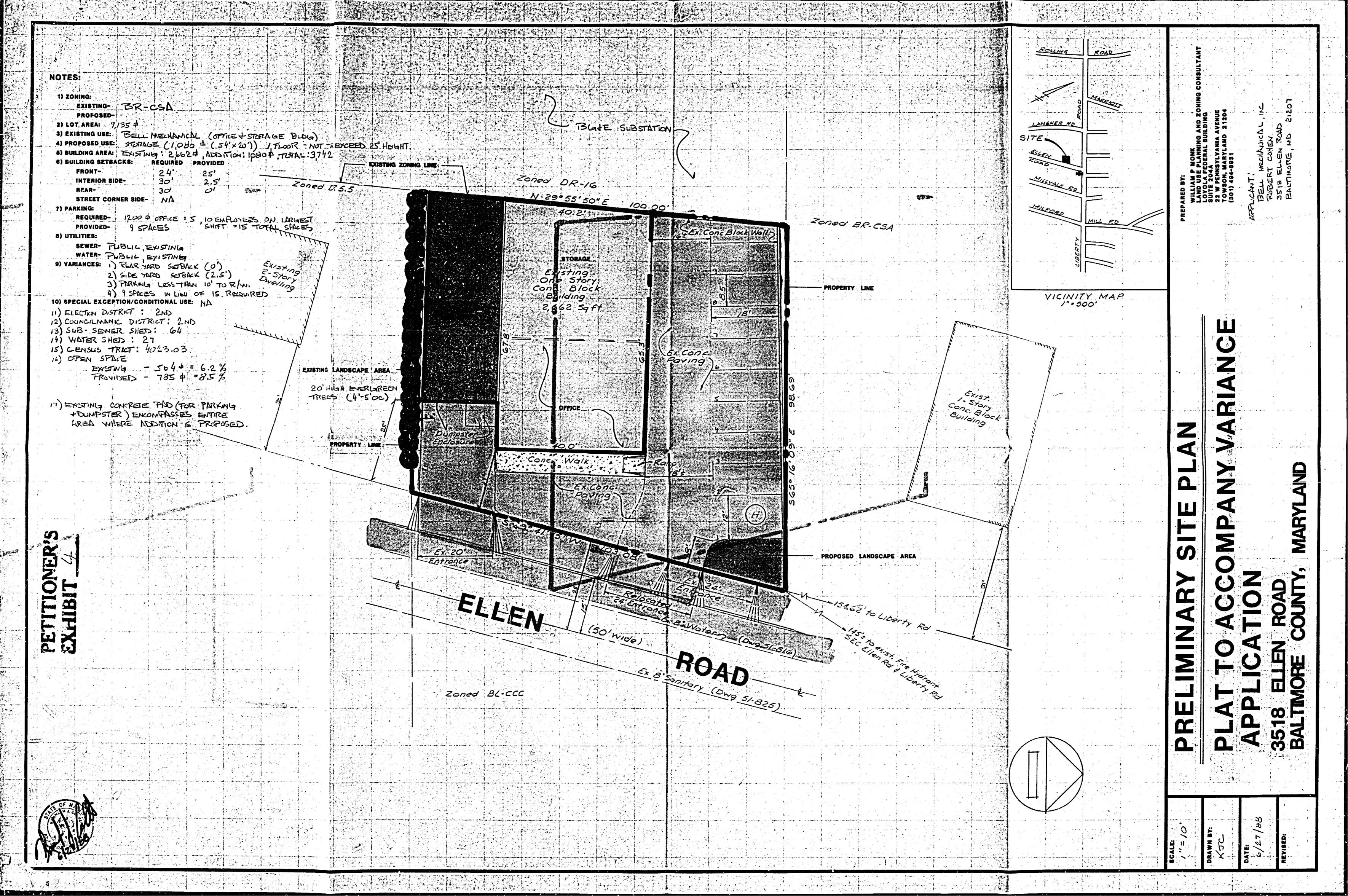
J. Robert Haines TO___Zoning Commissioner Date August 30, 1988

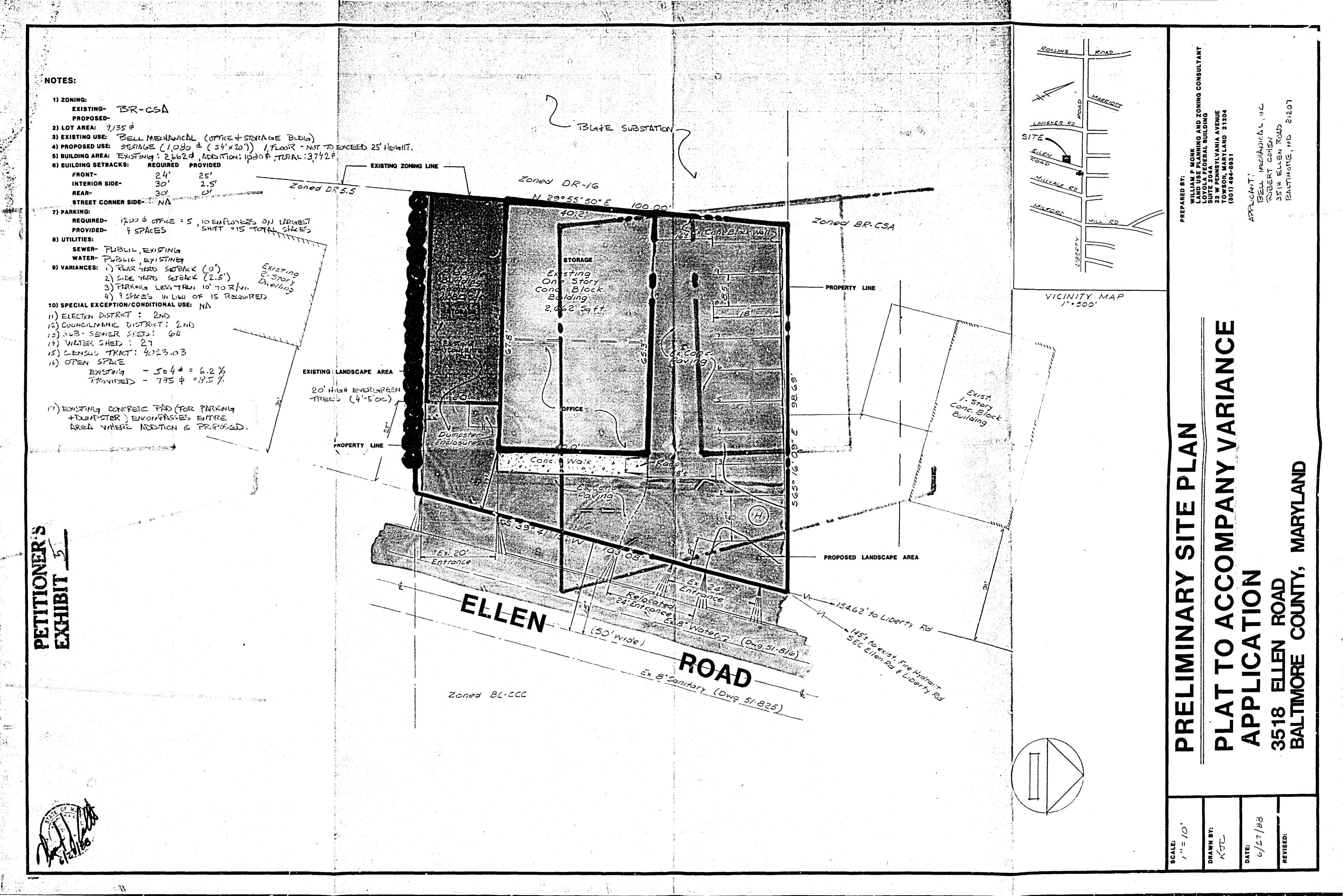
Pat Keller, Deputy Director FROM Office of Planning and Zoning Bell Mechanical, Inc.
SUBJECT Zoning Petition No. 89-81

The applicant's property is located directly adjacent to a residentially zoned and developed property. The expansion of this building would create additional off-site impacts on the residential community. The site appears to be fully developed to its reasonable limit. The existing setbacks should be maintained to assure adequate building separation and buffer areas. Without strong compelling reasons to justify a hardship, staff recommends against approval of this variance. Expansion of additional development on an already constrained site should be avoided.

ec: M. r Mrs. Colert F. Colen 9-8-88









Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 18, 2000

Julius W. Lichter, Esquire Law Offices, Peter G. Angelos Court Towers, Suite 300 210 W. Pennsylvania Avenue Towson, Md. 21204

Dear Mr. Lichter:

RE: Spirit and Intent, Case #89-81-A, 3518 Ellen Ave., 2nd Election District

Your letter to Arnold Jablon, Director of Permit Development Management, has been referred to me for reply. The zoning of this site per the 1'=200' scale zoning map #NW, 6-G is Business Roadside-Automotive Service (BR-AS) as stated in your letter. Your client's request is for verification that a vehicle storage area within an 8 feet high screen fence be permitted on the northeast portion of the site as shown on the submitted site plan dated March 29, 2000. There would be 10 parking spaces provided (6 indoor service bays and 4 outside). Granted zoning case #89-81-A allowed 9 spaces to be provided. This matter has been reviewed by staff and it has been determined that more information is needed, i.e., show construction drawings of the block building (specifically the 3 service bay area on the south side and show vehicle circulation on site. Also parking spaces numbers 3 and 4 either block traffic flow or are blocked.

If you have any questions, etc you may call me at 887-3391

John J. Sullivan, Jr Planner II Zoning Review

JJS:kew

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Census 2000 For You, For Baltimore County Census 2000

Come visit the County's Website at www.co.ba.md.us

Mr. Arnold Jablon April 7, 2000 Page 3.

outdoor parking to allow for a screened area for outdoor storage of vehicles awaiting repairs. The proposed plan retains the existing landscaping along the south property line and also provides for enhanced landscaping in the northeast corner of the property. See exhibit 4.

Legally, the plan may be amended in this manner without a petition to the zoning commissioner because:

- the proposed plan provides 10 parking spaces,
- zoning case number 89-81-A allows 9 spaces in lieu of 15 then required, the current zoning regulations require fewer spaces without zoning relief (13 now
- required compared to 15 then required, without variance), and
- 4) the current zoning regulations allow the attribution of the indoor bays toward the required number of spaces.

The reconfiguration will permit enhanced landscaping and a screened area for storage of cars awaiting repairs where none exist now. The proposed site plan will improve the appearance of the property to passers-by and neighboring residents on Ellen Road, while bringing the property into compliance with the law regarding screening of cars awaiting repairs, thereby minimizing the perceived conflict between the use permitted by right in the BR-AS zone and the residential use on the adjacent DR zone on Ellen Road. The proposed amendment mitigates the traffic and parking issues attendant to the uses, and allows the continuation of this prosperous and well-established business within the Liberty Road Revitalization District of Baltimore County.

Kindly review the attached proposed site plan (exhibit 4) and advise at your earliest convenience that the proposal is within the spirit and intent of the Baltimore County Zoning Regulations and the zoning history of this property. I enclose a check for \$40.00 to cover your customary fee for this service.

cc: Automotive Emporium, Inc. Hon. Stanley Schapiro Mr. Rick Wisnom Mr. Howard Underwood Mr. Carl Richards Mr. Joe Merrey Hon. Kevin Kamenetz

BALTIMORE COUNTY, MARYLANDS No. 080306 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 36.44.86 ' . ' 一分起,激励 、 适、饱度 和细胞量 HOLDER GROOT THE ETH GARLE ACCOUNT (TIT 6/60 一批 1 一名 5.5 20 20 20 21 建物建筑有成 Programs 47. 年 光成14. Wilteman Lingda. Marchant **CASHIER'S VALIDATION**

LAW OFFICES PETER G. ANGELOS A PROFESSIONAL CORPORATION COURT TOWERS, SUITE 300 210 W. PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 410-825-7300 FAX # 410-296-2541 THER OFFICES: RECEIVED. LADELPHIA, PENNSYLVANIA HARRISBURG, PENNSYLVANIA JULIUS W. LICHTER PITTSBURGH, PENNSYLVANIA BETHLEHEM, PENNSYLVANIA WILMINGTON, DELAWARE April 7, 2000 KNOXVILLE, TENNESSEE

Mr. Arnold Jablon, Director Baltimore County Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, Maryland 21204

> Re: Spirit & Intent Letter Auto Service Garage (w/o Fuel Service) 3518 Ellen Road

Dear Mr. Jablon:

I represent Automotive Emporium, Inc., t/a Rockdale Autobody. My client operates an auto service garage without fuel service at 3518 Ellen Road, by right within the BR-AS zone. My client proposes to amend the approved zoning plan for the property to show a screened storage area for cars awaiting repairs. By this letter, I seek your concurrence that the proposed amended site plan is within the spirit and intent of the Baltimore County Zoning Regulations, and the zoning applicable

The property consists of a gross site area of 0.26 acres within the BR-AS zoning classification on the northwest side of Ellen Road, approximately 150 feet south of the intersection of Ellen Road and Liberty Road. The adjacent property to the north on Ellen Road is zoned BR-AS and the adjacent property to the south on Ellen Road is zoned DR 5.5. Property located directly across Ellen Road from the subject property is zoned BL-CCC. There is a one story concrete block building containing 3742 square feet of floor area existing on the subject property within which the auto repairs take place. The property is used exclusively for body work. There is no painting of automobiles on-site; repaired cars are painted at another facility off-site.

Since at least 1981, the property has been used as an auto repair facility. Use and Occupancy Permit number 1800-81 lists the use as "auto repair, bookstore and repair shop". All Use & Occupancy Permits for this property are attached as exhibit A. Prior to 1981, the use was listed as "auto repair, bookstore, beauty shop". In 1989, the property was the subject of a hearing before the

ONE CHARLES CENTER UNION PARK CENTER STEELWORKERS' HALL 63 HENDERSON AVENUE CUMBERLAND, MD 21502-2462 ON CHARLES CENTER
100 N CHARLES STREET
BALTIMOTE, MD 21201-3612
410-649-2000
18001-252-6622
FAX 410-659-2101, B1 82 ONION FARK CENTER
5905 HARFORD ROAD
MLTIMORE, MD 21214-1544
410-426-3240
(800) 492-3240
FAX 410-426-1269 840 DUNDALK AVENUE BALTIMORE, MD 21224-2987 410-633-6100 FAX 410-633-0480 AGERSTOWN, MD 21740-574 BELTSVILLE, MD 20708-3149

Mr. Arnold Jablon April 7, 2000 Page 2.

zoning commissioner on a petition for variance. The petition requested the following relief, which was granted in its entirety without substantive restriction:

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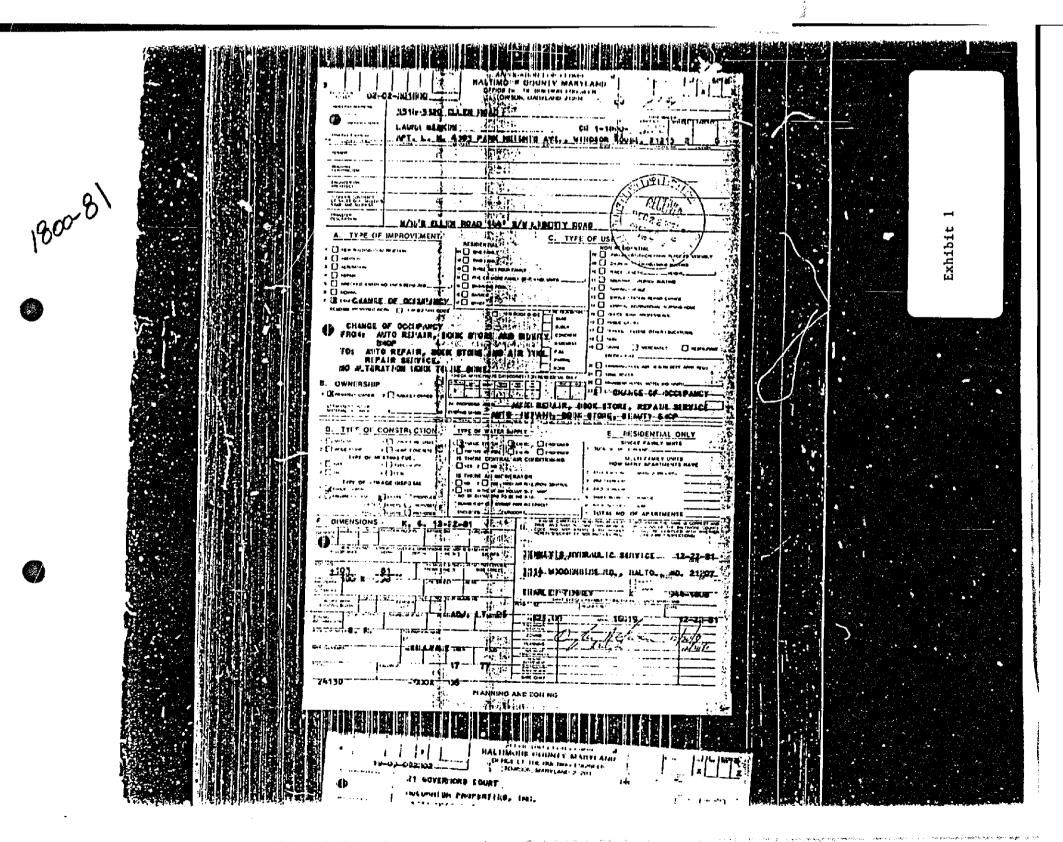
Variance for a rear yard set back of zero feet in lieu of the required 30 feet Variance for a side yard set back of 2.6 feet in lieu of the required 30 feet Variance to allow parking closer than 10 feet to the right of way Variance to allow 9 parking spaces in lieu of the required 15 spaces.

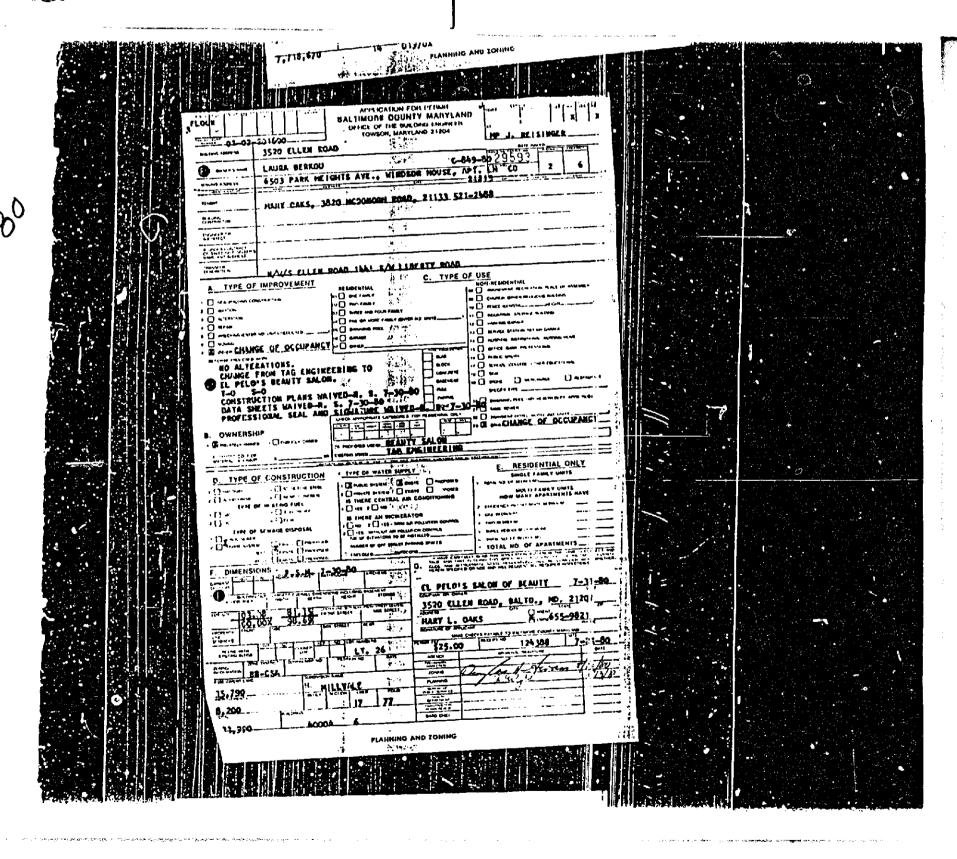
A copy of the zoning order granting all the requested variance relief is attached as Exhibit 2. A copy of the approved variance plan is attached as exhibit 3.

The current owner purchased the property in 1996 uses it exclusively for auto repairs. The current owner is authorized by the State of Maryland for repair service only; it is not authorized for any retail sales. Accordingly, there is virtually no customer parking actually required for this repair service operation. With the exception of employee vehicles, virtually all the cars on the site are awaiting repairs.

In October, 1999, our client was cited with a violation by the Division of Code Enforcement for non-compliance with the approved zoning plan. The approved zoning plan, a copy of which is attached, showed nine parking spaces. See exhibit 3. The Code Enforcement official who cited our client took issue with the storage of cars awaiting repairs in these nine spaces, and in the drive-aisle providing access to the spaces. On February 8, 2000, Dino La Fiandra, an attorney with this office appeared before the Administrative Hearing Officer, whereupon the Hearing Officer ordered either compliance with the approved plan, or that our client obtain variance relief or alternative zoning approval. By this letter, we seek your concurrence that our client's proposed site plan is within the spirit and intent of the Baltimore County Zoning Regulations, and that, therefore, no petition to the zoning commissioner is necessary. The proposed zoning plan is attached as exhibit 4.

Pursuant to the parking regulations in effect in 1989, there were 15 parking spaces required for the retail and service uses then on the property. As noted above, the variance allowed nine spaces in lieu of the 15 then required. Mr. Carl Richards and Mr. Joe Merrey, both of Zoning Review, have advised that current zoning regulations require 3.3 spaces per 1000 square feet of floor area for this use. Therefore, under the current zoning regulations, 13 spaces are required (3742 square feet at 3.3 spaces per 1000 square feet). Notably, the current zoning regulations require fewer parking spaces than those in effect in 1989. Mr. Richards and Mr. Merrey also advised that the indoor service bays count toward the required parking. The approved site plan which allows nine spaces in lieu of 15 required shows nine spaces outside and does not reflect or mention the parking spaces (service bays) located within the building. We propose to amend the plan to credit the six (6) indoor bays toward the required 9 spaces, and provide 4 outdoor spaces, for a total of 10 parking spaces, which is one in excess of the nine required under the variance. This will allow our client to reconfigure the





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PETITION FOR ZONING VARIANCE NW/S Ellen Road, 154.62' SW of Liberty Road (3518 Ellen Road)

2nd Election District 2nd Councilmanic District · BEFORE THE

. ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 89-81-A

Robert E. Cohen, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard cetback of 0 feet in lieu of the required 30 feet; a side yard setback of 2.6 feet in lieu of the required 30 feet for a proposed building addition; to permit parking spaces to be closer than 10 feet to the right-of-way line of a public street; and to permit 9 parking spaces in lieu of the required 15 spaces; all as more particularly described in Petitioner's Exhibit 4.

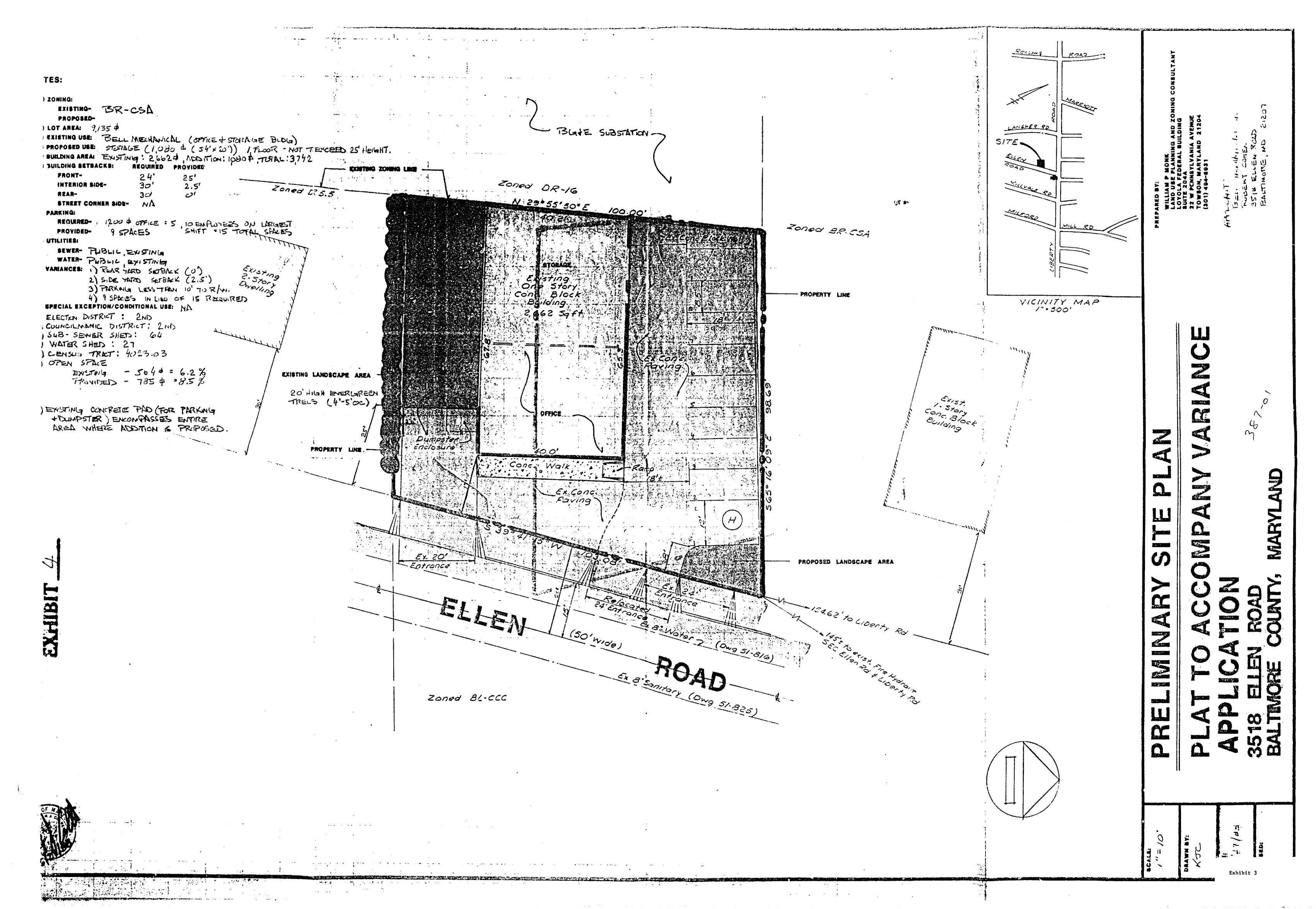
The Petitioners, by Robert Cohen, appeared, testified, and were represented by C. Michael Magruder, Esquire. Also appearing on behalf of the Petition was William P. Monk, a professional Land Use Florning and Zoning Consultant. There were no Protestants.

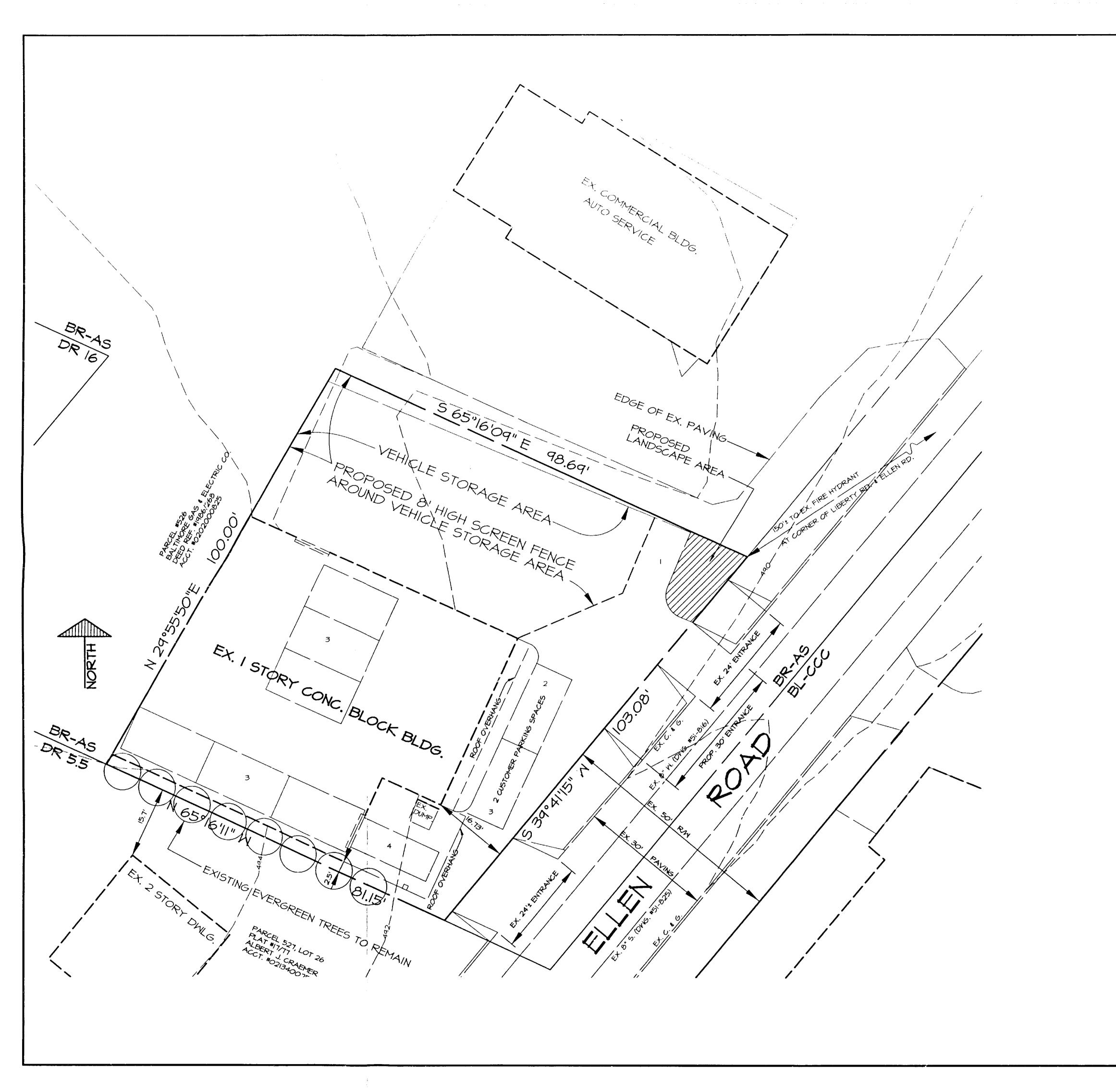
Testimony indicated that the subject property, known as 3518 Ellen Road, is zoned B.R.-C.S.A. and is improved with an existing one story concrete block building currently leased by Bell Mechanical, Inc. for office space and storage. Petitioner proposes constructing a 1,080 sq.ft. addition to the existing structure to provide additional storage space for this expanding business.

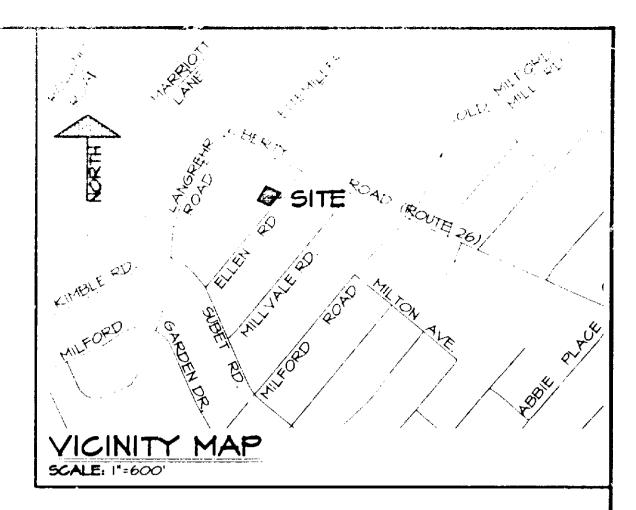
Based upon the testimony and evidence presented at the hearing, a. of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Sec-

Exhibit 2

ON THE PROFILE







SITE DATA:

NET SITE AREA: 8,955 = 0.21 AC.±
GROSS SITE AREA: 11,532 = 0.26 AC.±
GROSS BUILDING AREA: 3,742 =
EXISTING ZONING: BR-AS
ZONING MAP: N.M., 6-G

FLOOR AREA RATIO:

FLOOR AREA RATIO ALLOWED: 2.0 EXISTING FLOOR AREA RATIO: 0.3

GENERAL NOTES:

1. NO C.R.G. CASE ON THIS SITE.
2. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R.

PERMIT HISTORY:

- PERMIT #849-80; CHANGE FROM TAG ENGINEERING TO EL PELO'S
- BEAUTY SALON.
- ** PERMIT #1800-81; CHANGE OF OCCUPANCY FROM AUTO REPAIR, BOOK STORE AND BEAUTY SHOP TO AUTO REPAIR, BOOK STORE AND AIR TOOL REPAIR SERVICE.
- *** PERMIT #1507-86; 250 GALLON GASOLINE STORAGE TANK FILLED WITH CEMENT.

ZONING HISTORY:

I. CASE #89-81-A: PETITION FOR ZONING VARIANCE TO PERMIT A REAR-YARD SETBACK OF O FEET IN LIEU OF THE REQUIRED 30 FEET; A SIDE-YARD SETBACK OF 2.6 FEET IN LIEU OF THE REQUIRED 30 FEET FOR PROPOSED BUILDING ADDITION; TO PERMIT PARKING SPACES TO BE CLOSER THAN IO FEET TO THE RIGHT OF WAY LINE OF THE PUBLIC STREET; AND TO PERMIT 9 PARKING SPACES IN LIEU OF THE REQUIRED IS SPACES. GRANTED 09/29/1988.

PARKING CALCULATIONS;

REQUIRED PARKING:

AS PER CASE #89-81-A - 9 SPACES IN LIEU OF 15.
AS PER CURRENT PARKING REGULATIONS EXCLUSIVE OF VARIANCE RELIEF.

3,742 • 33P.5/1000 = 12.3

TOTAL PARKING SPACES REQUIRED: 13

PROVIDED PARKING:
TOTAL PARKING SPACES PROVIDED: 10

EXHIBIT TO ACCOMPANY

SPIRIT & INTENT LETTER

ELLEN ROAD PROPERTY

3518 ELLEN ROAD

TAX MAP #77, GRID #23, PARCEL #161

PLAT #17/77

ELECTION DISTRICT: 02 COUNCILMANIC DISTRICT: 02
BALTIMORE COUNTY, MD



OWNER:

STEVEN L. GALASSO 8509 THORNTON ROAD

LUTHERVILLE, MD 21043

DEED REF. #11576/554 ACCT. #0202201600 TEL.: 410-922-7073

J.

REVISIONS: SCALE: I"= IO'
04/06/2000 DATE: 3/29/2000

JOB NO.: 387-01

DESIGNED: -

DRAWN: SL

DRAWING NUMBER:

SP-1

C: \PROJECTS*\387.DWG

OF

CHECKED:

Land Development Consultants and Landscape

Architects

406 W. PENNSYLVANIA AVE. TOWSON, MD 21204 410-296-3668 FAX: 296-5326

VANIA AVE.
204 SHEET

Exhibit 4